



1 11-CV-05850-ORD

HONORABLE RONALD B. LEIGHTON

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CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
DEPUTY	

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GEORGE PHILIP HERTZOG, JR.,

Plaintiff,

v.

RONALD FRAKER,

Defendant.

No. 11-cv-5850 RBL

ORDER ADOPTING REPORT AND  
RECOMMENDATION

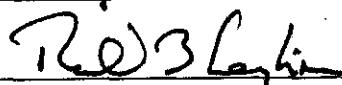
The Court, having reviewed the Report and Recommendation of Judge Karen L. Strombom, United States Magistrate Judge, and the relevant record, does hereby find and

**ORDER:**

- (1) The Court adopts the Report and Recommendation [Dkt. #11].
- (2) The case is **TRANSFERRED** to the Ninth Circuit Court of Appeal as a second habeas petition, pursuant to Ninth Circuit Rule 22-3(a).
- (3) The Clerk shall administratively close the file.

It is so ordered.

Dated this 14<sup>th</sup> day of February, 2011.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE